

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Jose L. Linares
v. : Crim. No. 08-87 (JLL)
HARRY QUIAH : ORDER

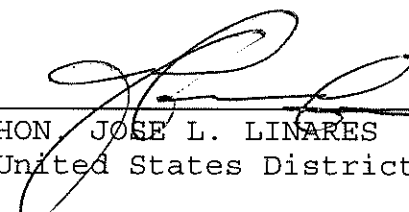
This matter having come before the Court on the motion of the defendant, Harry Quiah, and having received the response of the United States (Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey, Jacob T. Elberg, Assistant United States Attorney, appearing),

AND the Court having reviewed the motion of the defendant for Immediate Deportation [docket #35] and the response of the Government [docket #36];

AND the Court having considered the applicable statute and relevant case law;

IT IS THE FINDING OF THIS COURT that:

the decision of whether to remove an alien prior to the completion of a sentence of imprisonment is a matter within the sole discretion of the Attorney General of the United States, and such an alien has no private right of action under 8 U.S.C. § 1231(a)(4)(D)¹. Defendant's motion is therefore DENIED.


HON. JOSE L. LINARES
United States District Judge

12/16/08

¹ Defendant cites 8 U.S.C. § 1252(h)(2)(A). However, that statutory provision is no longer in force. The current version of the statute is 8 U.S.C. § 1231(a)(4)(B)(i).